

EXPANDED AGENDA
Board of Adjustment, District 2
November 7, 2012, 6 P.M.
Board of Supervisors' Conference Room
1415 Melody Lane, Building G
Bisbee, Arizona 85603

6:00 P.M. Call to Order

Roll Call (Introduce Board members, and explain quorum)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes; other persons will each have 5 minutes to speak and Applicant can have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

NEW BUSINESS

Item 1 - Introduce Docket and advise public who the applicants are.

Public Hearing: Docket BA2-12-06 (Golden Rule – Jewelry Antiques & More): The Applicant is requesting a Variance from Section 1908.03 of the Cochise County Zoning Regulations, which allows for a maximum 80 square foot On-Site Advertising Sign. The applicant is proposing a 144 square foot sign for Golden Rule – Jewelry Antiques & More on Highway 92.

The subject parcel (107-66-069) is located at 4301-A S Highway 92 in Sierra Vista, AZ.

Applicant: Kevin Steiner of Golden Rule – Jewelry Antiques & More.

- Call for PLANNING DIRECTOR'S PRESENTATION
- Declare PUBLIC HEARING OPEN
 1. Call for APPLICANT'S STATEMENT
 2. Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 3. Call for APPLICANT'S REBUTTAL (if appropriate)
- Declare PUBLIC HEARING CLOSED
- Call for BOARD DISCUSSION (may ask questions of applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION
- ANNOUNCE ACTION TAKEN (with Findings of Fact)

Item 2 - Introduce Docket and advise public who the applicants are.

Public Hearing: Docket BA2-12-07 (Martin): The Applicants are requesting a Variance from Section 1804.08 of the Cochise County Zoning Regulations, which requires areas of a site reserved or used for the outdoor storage and display of vehicles, materials or equipment, shall be improved with at least a dust-free, gravel surface, or with an equivalent or better surface approved by the County Zoning Inspector.

The subject parcels (102-39-009 and 102-39-181) are located at 2227 South Naco Highway in Bisbee, AZ. They are further described as being situated in Section 5 of Township 24, Range 24 East of the G&SRB&M, in Cochise County, Arizona.

Applicants: Dana and Wayne Martin.

FOLLOW FORMAT OF ITEM 1

Item 3 - Call for Planning Director's Report

Item 4 - Call to the Public

ADJOURN



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 2
FROM: Dora V Flores, Permit and Customer Service Coordinator
FOR: Beverly Wilson, Deputy Director, Planning Division
SUBJECT: Docket BA2-12-06 (Golden Rule Jewelry)
DATE: October 23, 2012, for the November 7, 2012 Meeting

REQUEST FOR A VARIANCE

Docket BA2-12-06 (Golden Rule – Jewelry Antiques & More): The Applicant is requesting a Variance from Section 1908.03 of the Cochise County Zoning Regulations, which allows for a maximum 80-sq. ft. On-Site Advertising Sign. The applicant is proposing a 144-sq. ft. sign for Golden Rule – Jewelry Antiques & More located at 4301-A South Highway 92 in Sierra Vista, AZ.

The subject parcel (107-66-069) is further described as being situated in Section 30 of Township 22, Range 21 East of the G&SRB&M, in Cochise County, Arizona.

The Applicant is Kevin Steiner of Golden Rule – Jewelry Antiques & More.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 1.13 acres
Zoning: GB (General Business)
Growth Area: Growth Category B
Plan Designation: Enterprise
Area Plan: Sierra Vista Sub-Watershed
Existing Uses: Retail sales; two restaurants; beauty shop and bail bonds office
Proposed Uses: Same, with a 144-sq. ft. On-site Advertising wall sign

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Liquor Store – Cactus Spirits
South	GB	Strip Mall – Sunshine Plaza
East	GB	Vacant Undeveloped Land
West	State Highway– SR-43	Highway 92– Single Family Residential

II. PARCEL HISTORY

- June 1978 – A permit was issued for a restaurant and six stores.
- February 1993 – A permit was issued to expand the antique store.
- September 2012 - Stop Work Order issued for a sign without a permit.
- Plus many more permits have been issued throughout the years for signs, tenant improvements and other changes of use in the suites.

III. NATURE OF REQUEST

The Applicant seeks a permit to install a 144-sq. ft. illuminated on-site advertising wall sign for Golden Rule - Jewelry Antiques & More. On the Variance application, the Applicant conveys that, “Due to the nature of the location of our business we feel it necessary to have a larger sign to let people know we are there so our business will succeed.”



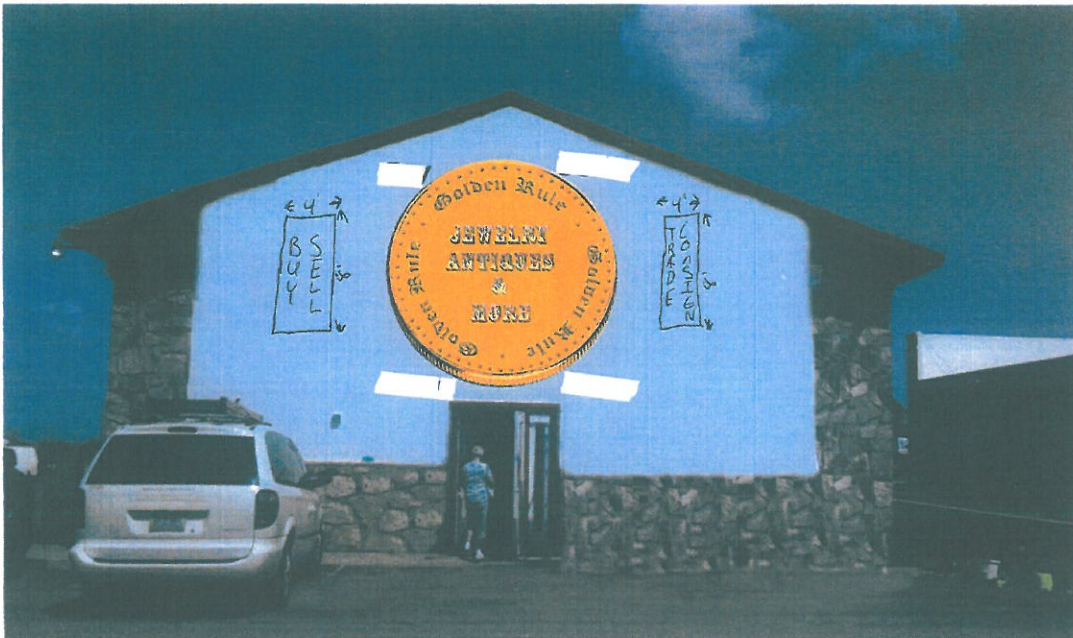
Above: East view of the subject building where the sign is to be placed from South Highway 92, the area of the front of this building is approximately 400-sq. ft.

IV. ANALYSIS OF IMPACTS

The wall-mounted sign is classified as an On-Site Advertising Wall Sign per Article 19 of the Zoning Regulations. The maximum permitted size of an On-Site Advertising Sign is 80-sq. ft. The Applicant was prepared to install a 144-sq. ft. wall-mounted sign, which is approximately 180% of the maximum allowable size. After staff issued the citation for preparing to install the sign without a permit, the Applicant applied for a commercial permit.

The sign regulations are designed to prevent the over-concentration, improper placement, and excessive height, bulk, and area of signs in order to promote an optimum level of signage consistent with the needs and characters of different areas; to permit legible and effective signage of individual sites for the convenience of the public and in the interest of the full enjoyment of property rights; and to prevent the obstruction by sign clutter of traffic visibility, traffic signs and signals, neighboring uses and signs, and to preserve scenic views.

The subject building sits approximately 50-feet to the edge of the pavement from South Highway 92 and approximately 40-feet to the edge of the right-of-way.



Above: East view of the subject building showing where the sign is to be placed on the building.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet of the subject parcel. Staff posted a legal notice on the property on September 26, 2012, and published a legal notice in the *Bisbee Observer* on October 11, 2012. To date, no comments from the public have been received.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variance

1. Given the location of the project site along a major transportation corridor with a wide right-of-way, and the type of sign proposed (on the business's wall), the request to allow the oversized sign is unlikely to cause significant off-site visual impacts to the surrounding area.
2. County government has been engaged in an ongoing effort to make government operations, administration of Zoning and other regulations, and permitting requirements more "customer and business friendly." Permitting the sign as proposed would reinforce this effort.

Factors Against Allowing the Variance

1. The Applicant began installation of the sign without a permit.
2. Although Board of Adjustment cases are considered on a case-by-case basis and are not considered as "precedent setting," a favorable ruling on this Docket could be taken as such.
3. Size restrictions in the County's sign code are intended to prevent a crowded visual appearance that could result in view shed degradation.
4. As proposed, the sign face is approximately 180% of the maximum permitted size for On-site Advertising signs, a significant deviation from the maximum permitted size of 80 sq.-ft.

VII. RECOMMENDATION

Based on the Factors Against Approval as Finding of Facts, staff recommends **Denial** of the Variance request. The sample motion below is worded in the affirmative for clarity.

Sample Motion: *Mr. Chair, I move to approve Docket BA2-12-06, granting the wall-sign Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*

VIII. ATTACHMENTS

- A. Variance Application
- B. Location Map
- C. Site Plan

Nov 7th

BA2-12-06



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning, and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 2.

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 2 to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Parcel Number: 107-66-069
2. Address of parcel: 4301 A S HWY 92 Sierra Vista
AZ 85650
3. Area of Parcel (to nearest tenth of an acre): _____
4. Zoning District designation of Parcel: DB
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.
Retail Sales, Bail Bonds, Hair Salon, Restaurant
Bar
6. Describe all proposed uses or structures, which are to be placed on the property.
12' x 12' Sign and lighting

5

7. State the specific nature of the variance or variances sought.

1908.03 - exceeds maximum square footage
per sign at 144 sq ft

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

Due to the nature of the location
of our business we feel it ~~necessary~~^{necessary} to
have a larger sign to let people know we
are there so our business will succeed.

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

Commercial area will not impact anyone.

10. List the name and address of all owners of the Parcel(s) for which the variance is sought.

PROPERTY OWNER

MAIL ADDRESS

Macelhenny 1999 Trust 4141 State St. #E-10
Santa Barbara, CA 93110

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

DATE

Kevin J Stein J 4301 AS HWY 92 9-5-12

APPLICANT'S PHONE NUMBER (520) 249-1277

APPLICANT'S EMAIL ADDRESS GoldenRuleJewelry@Gmail.com

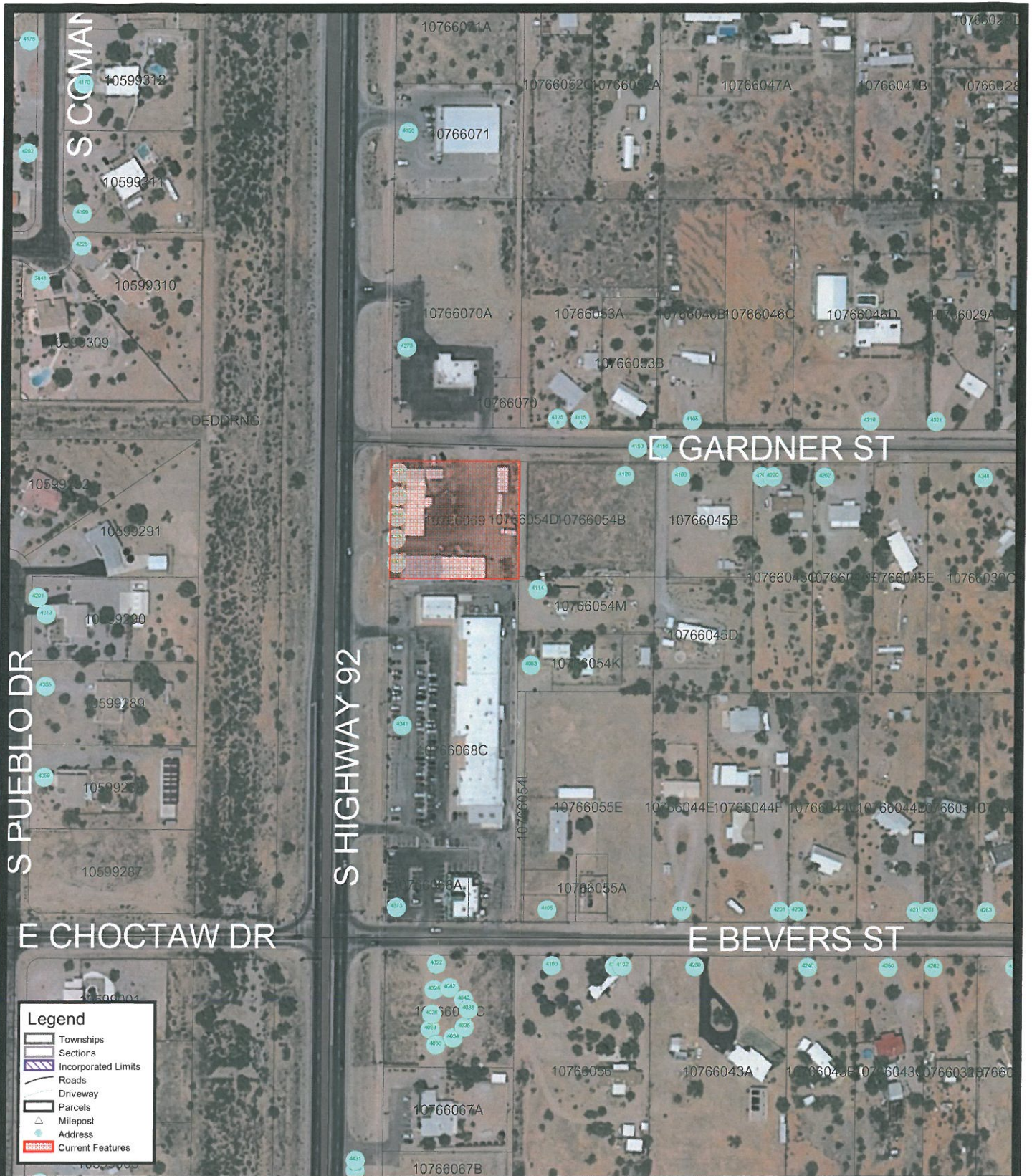
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

2103.02 Variances

The Board of Adjustment may grant a variance from the terms of these Zoning Regulations when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the Zoning Regulations will be preserved. It shall be the responsibility of the applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

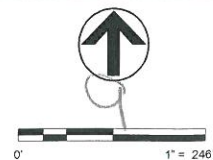
These zoning regulations are generally intended to yield results that are in compliance with all other applicable laws. A request for a "reasonable accommodation" in these regulations, pursuant to any federal or state housing law or other similar legislation, as may be necessary to afford an equal opportunity to housing under any such law, shall be considered to be an appropriate condition for a variance from the strict application of these zoning regulations. The Board of Adjustment is authorized to grant any such variance, to the extent that any such accommodation is required pursuant to any applicable state or federal law.

Any decision of the Board of Adjustment allowing a variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such variance was granted, has not been initiated within 12 months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12 months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the variance approval are not complied with within 12 months or within the time period set by the Board, it shall be revoked after 30 days notice to the owner and applicant, unless a request for a review hearing before the Board of Adjustment is made by the applicant within this 30 day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the applicant.

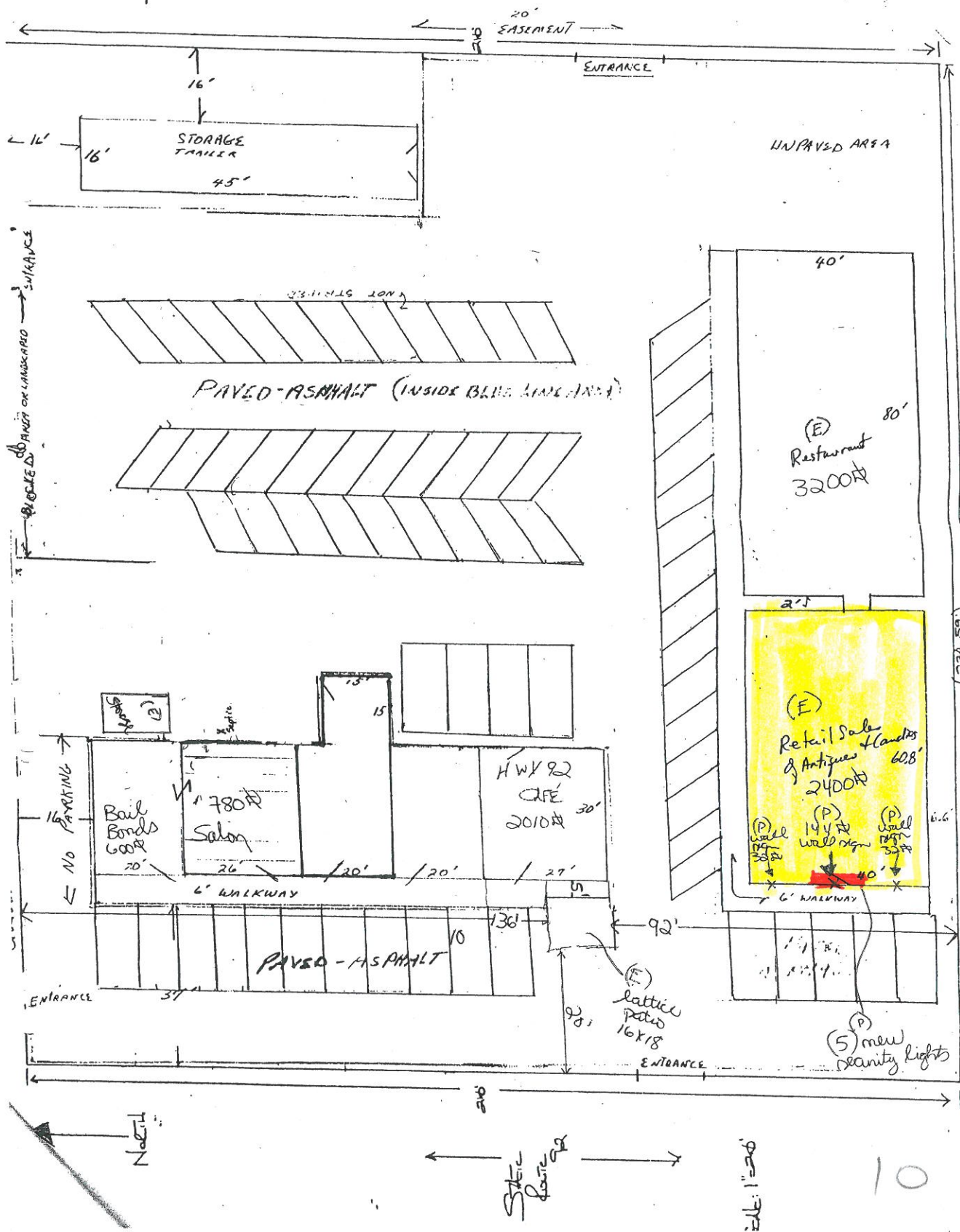


BA2-12-06 Golden Rule
107-66-069

This map is a product of the
Cochise County GIS



The Area!
 107-66-069
 SECTION 3010
 TAA S
 P&I E.
 Zoning: General B-1
 1" = 20'
 73 PARKING SPACES



Site Survey

1" = 20'

10



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 2
FROM: Dora V Flores, Permit and Customer Service Coordinator
FOR: Beverly Wilson, Deputy Director, Planning Division
SUBJECT: Docket BA2-12-07 (Martin)
DATE: October 23, 2012, for the November 7, 2012 Meeting

REQUEST FOR A VARIANCE

Docket BA2-12-07 (Martin): The Applicants are requesting a Variance from Section 1804.08 of the Cochise County Zoning Regulations, which requires areas of a site reserved or used for the outdoor storage and display of vehicles, materials or equipment, be improved with at least a dust-free, gravel surface, or with an equivalent or better surface approved by the County Zoning Inspector. The subject parcels (102-39-009 and 102-39-181) are located at 2227 South Naco Highway in Bisbee, AZ. They are further described as being situated in Section 5 of Township 24, Range 24 East of the G&SRB&M, in Cochise County, Arizona. The Applicants are Dana and Wayne Martin.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: 2.99 acres
Zoning: HI (Heavy Industry)
Growth Area: Growth Category B
Plan Designation: Developing
Area Plan: Naco Area Plan
Existing Uses: junkyard (auto salvage yard)
Proposed Uses: Same

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	LI	Single Family Residential
South	TR-18	Vacant Undeveloped Land
East	TR-18	Single Family Residential
West	County Maintained Road– TR-18	South Naco Highway – Single Family Residential

II. PARCEL HISTORY

- 1973 – Salvage yard established per the Assessor's records.
- October 2000 – The subject parcels were rezoned from TR-18 to HI.
- March 2001 – A permit was issued for the expansion of the junkyard.
- December 2001- A Variance was granted to waive setback requirements and to allow the postponement of the construction of an 8-ft. block wall.
- August 2003 – A Variance was granted to allow the postponement of the screening and parking surface improvements.
- October 2008 – The Applicants were cited with a violation for failing to meet the conditions of their permit.

III. NATURE OF REQUEST

The salvage yard was established in 1973 and was expanded in 2001. This expansion forfeited the legal-non-conforming status of the site, and as such, is now subject to current zoning regulations. The Applicant had been granted Variances in the past for setback and screening requirements, and has completed all permit conditions except for graveling of the outdoor storage area, a Variance from which is under consideration with this Docket.



Above: East view of the subject parcels from South Naco Highway,
showing the area where vehicles will be stored

IV. ANALYSIS OF IMPACTS

The photo below indicates that the site has some gravel with scattered light vegetation in the area where vehicles are to be stored. The Applicant states in his application that this area would only be used for vehicle storage; vehicles would not be driving in this area and therefore would not generate dust.

As noted, the site has been in continuous use as a junkyard since 1973; since that time the Department has not had substantial concerns about perceived or potential off site impacts, nor has the Department received complaints relating to the use.



Above: View of existing ground cover of the outdoor storage area which consist of some gravel with vegetation.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet of the subject parcel. Staff posted a legal notice on the property on September 27, 2012, and published a legal notice in the *Bisbee Observer* on October 11, 2012. To date, the Department has received no comments from neighboring property owners.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variance

1. The site has been in continuous use as a junkyard since 1973; since that time, the Department has not had substantial concerns about perceived or potential off site impacts, nor received complaints relating to the use.
2. The County government has been engaged in an ongoing effort to make government operations, administration of Zoning and other regulations, and permitting requirements more "business and customer friendly." Allowing the existing ground surface for the outdoor storage area would reinforce this effort.

Factors Against Allowing the Variance

1. The Applicant has had 11 years to complete this requirement of graveling the outdoor storage area.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval as Findings of Fact, staff recommends **Approval** of the Variance request.

Sample Motion: *Mr. Chair, I move to approve Docket BA2-12-07, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*

VIII. ATTACHMENTS

- A. Variance Application
- B. Location Map
- C. Site Plan



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(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Parcel Number: #102-39-009 & #102-39-181
2. Address of parcel: 2227 Naco Hwy. Bisbee 85603
3. Area of Parcel (to nearest tenth of an acre): 5 2.77 ACRES
4. Zoning District designation of Parcel: HI
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. WRECKING YARD
6. Describe all proposed uses or structures, which are to be placed on the property.

we are storing junk cars & parts

15

10. List the name and address of all owners of the Parcel(s) for which the variance is sought.

PROPERTY OWNER

MAIL ADDRESS

Dana D. Martin 5501 So. Hwy. 92 Sierra Vista AZ 85650
Wayne Martin 7318 So. Janice Dr Hereford AZ 85615

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

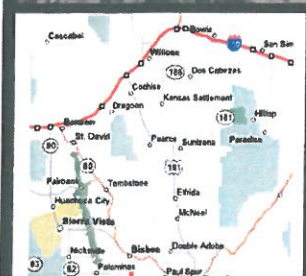
DATE

[Signature] 5501 So. Hwy. 92 Sierra Vista 9/14/12
[Signature] 7318 S. Janice Dr. Hereford 9/14/2012

APPLICANT'S PHONE NUMBER Dana 520-266-2133

APPLICANT'S EMAIL ADDRESS WAYNE 520-266-2132

Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.



102-39-009/181



